REMARKS

Favorable reconsideration of this application is respectfully requested in view of the previous amendments and the following remarks.

As a first point, Applicants note that Claim 31 added in the June 17, 2008 response and reciting that the delay comprises a user-initiated delay was not specifically addressed in the Final Office Action. Applicants respectfully submit that the finality of the Office Action is therefore improper. Applicants further submit that the "delay" relied upon by the Examiner in the Mishima reference is not a user-initiated delay for reasons consistent with the below discussion. Should the present response not be deemed to place the application in condition for allowance, it is respectfully requested that an Office Action be issued including an examination of the subject matter of previously presented Claim 31.

An embodiment of the present application is directed to a data processing apparatus for processing print jobs and including one or more inputs, one or more outputs, a controller and a plurality of compressing/expanding devices. As discussed in paragraphs [0046] and [0047] of the application, each job can be characterized as either required to be outputted without delay, or not required required to be outputted without delay, depending on the type of the job. The type of each job is determined based on the data structure of the job itself. Thus, as discussed in paragraph [0048], from each job's data structure, it can be determined whether the job is not required to be outputted without delay.

Fig. 3 illustrates the operation of an embodiment of the apparatus. As described in paragraphs [0053] through [0057] and illustrated in Steps S301 through S305, for a new job, it is first determined whether the job is not required to be

outputted without delay. If the job is not required to be outputted without delay, three of the compressing/expanding devices are assigned to process the job, during which the fourth compressing/expanding device is available for processing of another job, as described in paragraph [0058] and illustrated in Step S306. If the job is required to be outputted without delay, all four compressing/expanding devices are assigned to process the job, during which all four of said plurality of compressing/expanding devices are unavailable for processing of another job, as described in paragraph [0059] and illustrated in Step S307. Of course, the claimed invention is not limited to the disclosed embodiments.

Claim 1 is rejected as being anticipated by U.S. Patent No. 6,381,031, hereinafter Mishima.

Mishima discloses a compression and expansion apparatus having expansion/compression processors 505-509 which are each assigned for expansion or compression based on the respective amounts of image data being input and output. In a concrete example discussed in lines 37-39 of column 5, when image data is only being stored, all the compression/expansion processors are set for compression.

The Official Action states that this "only storing is analogous to a job that is not required to be outputted without delay. Basically image data of the job is stored and held until... needed to be expanded and printed". The Official Action goes on to state that it would have been obvious to an ordinarily skilled artisan "to have had a decision whether a job is to be outputted without delay. This motivation would have been to efficiently use the compression/expansion devices as Mishima is trying to do above". The Examiner's position thus appears to be that it would have been obvious

for Mishima's device to determine that data is only being stored, and that this corresponds to discriminating that a job is not required to be outputted without delay.

However, amended Claim 1 recites that the inputted job has a data structure, and that the job discrimination portion discriminates, from the data structure of the job, whether the inputted job is not required to be outputted without delay. Without conceding the propriety of the Examiner's position, Applicants respectfully submit that the "discrimination" relied upon by the Examiner has nothing to do with the data structure of the job, but is instead simply a determination that there is no outputting of data at a particular point in time.

Accordingly, Mishima does not disclose a data processing apparatus, including one or a plurality of input portions for inputting a job having a data structure, a job discrimination portion which discriminates, from the data structure of the job, whether the job inputted from any one of the input portions is not required to be outputted without delay, and a controller which controls operation assignment of a plurality of compressing/expanding devices depending on a discrimination result of the job discrimination portion, in combination with the other features recited in amended Claim 1.

Amended Claim 1 is therefore allowable, and withdrawal of the rejection of Claim 1 is respectfully requested.

The dependent claims are allowable at least by virtue of their dependence from allowable independent claims. The dependent claims also recite further distinguishing aspects of the data processing apparatus at issue here. For example, Claim 31 recites that the delay comprises a user-initiated delay. Mishima's "only

storing" relied upon by the Examiner is simply a condition where there is no printing at all and has nothing to do with a user-initiated delay in printing.

Early and favorable action with respect to this application is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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